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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

William R. Patterson, et al.

Serial No.: 10/071,702

Filed: February 8, 2002

For: Apparatus for Blood Oxygenation

§ Confirmation No.: 2643

§ Customer No.: 27405

§

§ Group Art Unit: unassigned

§

§ Examiner: unassigned

§

§ Atty. Docket: PA84-US

RECEIVED

OCT 25 2002

OFFICE OF PETITIONS

Assistant Commissioner
for Patents
Washington, D.C. 20231

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:

4/19/02
Date

Tamara J. McGovern

Dear Sir:

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

In response to the Notice to File Corrected Application Papers dated March 1, 2002, attached are the following papers: (1) the substitute abstract in compliance with 37 C.F.R. § 1.72(b), in which no new matter is added, (2) Page 47 of the specification that was filed with the nonprovisional application papers on February 8, 2002, (3) a copy of the Notice to File Corrected Application Papers dated March 1, 2002, (4) a Petition in compliance with 37 C.F.R. § 1.182, and (5) the Petition Fee under 37 C.F.R. 1.17(h).

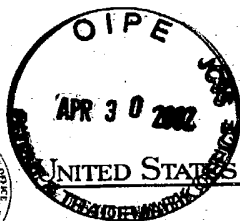
If the enclosed Petition is not granted or deemed unnecessary, Applicants hereby request entry of page 47 into the specification by way of amendment. As this application is a divisional application of co-pending application Serial No. 09/409,952 which is incorporated by reference, and which contains the same page 47 in its specification, no new matter is added and entry of page 47 by way of amendment is believed permissible.

Accordingly, it is respectfully requested that the attached documents be accepted and entered in the file prior to the Examiner's initial consideration of the above-referenced application.

Respectfully submitted,

Date: April 18, 2002

Margaret A. Kivinski
Margaret A. Kivinski
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THEROX, INC.
2400 Michelson Drive
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Page 1 of 2

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/071,702	02/08/2002	William R. Patterson	PA084-US

CONFIRMATION NO. 2643

27405
THEROX, INC.
2400 MICHELSON DRIVE
IRVINE, CA 92612

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OCT 25 2002

FORMALITIES LETTER



OC000000007559791

OFFICE OF PETITIONS

Date Mailed: 03/01/2002

NOTICE TO FILE CORRECTED APPLICATION PAPERS

05/02/2002 MBERHE 00000059 501769 10071702

01 FC:122 130.00 CH

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- An Abstract not to exceed 150 words in length, commencing on a separate sheet (37 CFR 1.72(b)).

The following item(s) appear to have been **omitted** from the application:

- Page(s) **47** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete

sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

HB

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE